

REMARKS:

Applicant has carefully studied the final Examiner's Action and all references cited therein. The amendment to claim 3 serves to clarify the invention. The amendment does not add limitations or change the scope of the claims; thereby eliminating the need for further search by the Office.

Applicant believes these explanatory remarks are fully responsive to the Action. Accordingly, this important patent application is in condition for allowance. Applicant responds to the outstanding Action by centered headings that correspond to the centered headings employed by the Office, to ensure full response on the merits to each finding of the Office.

Claim Rejections – 35 U.S.C. § 112

Applicant acknowledges the quotation of 35 U.S.C § 112, first paragraph.

Claims 1-5 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Office states that the claim(s) contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. More specifically, the Office states that the specification, as originally filed, does not provide adequate written description for the electrophoretic manipulator of instant claims 3-5 and that since the manipulator is the essential element for carrying out the method of claim 1, that the specification also does not provide adequate written description for the method of claim 1. The Office contends that because the specifics of the manipulator are not adequately disclosed than the method of claim 1 cannot be performed.

Applicant respectfully disagrees with the finding of the Office. In *In re Reschig*, 379 F.2d 990, 154 USPQ 118 (C.C.P.A. 1967), the CCPA determined that 35 U.S.C. 112, first paragraph, requires that, "The specification shall contain a written description of the invention..." The Office states that the specification, as originally filed, does not provide adequate written description for the electrophoretic manipulator of instant claims 3-5 and that while Figure 1 shows the manipulator; there is no detailed description of the components that comprise the manipulator. Claims 3-5 have been amended to more clearly describe that which

the applicant regards as the invention. As such, independent claim 3 describes a system for regenerating an immunosensor, the system comprising an immunosensor having at least one bound antibody-antigen complex and an electrophoretic manipulator comprising an electrical pulse applicator, the electrophoretic manipulator positioned to apply at least one electrical pulse to the surface of the immunosensor whereby the complex debinds responsive to the at least one pulse. Accordingly, the Applicant is not claiming the invention of an electrophoretic manipulator, but rather a system for regenerating an immunosensor. Since the electrophoretic manipulator is not *the invention*, Applicant is not required under 35 U.S.C. 112, first paragraph, to provide a written description of the electrophoretic manipulator. As stated in paragraph [0019] of the application as originally filed, electrophoretic manipulators are commonly used to separate proteins. Accordingly, it is clear from the specification as filed that electrophoretic manipulators for use in protein separation are known in the art. As such, Applicant believes that the subject matter of claims 3-5, is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. The specification, as originally filed, does provide adequate written description for a system for regenerating an immunosensor of instant claims 3-5, which is the invention.

The Office has also stated that the specification does not provide adequate written description for the method of claim 1. The Office states that if the specifics of the manipulator are not adequately disclosed, then the method of claim 1 cannot be performed.

Applicant respectfully disagrees with the finding of the Office. Claim 1 does not include the electrophoretic manipulator as an element of the claim. The method of claim 1 includes the step of applying at least one electrical pulse to a bound antibody-antigen complex of an immunosensor. The step of applying the electrical pulse is not limited to the use of an electrophoretic manipulator. As described in the specification as originally filed at Paragraph [0008] and [0009] the present invention is an electronic regeneration scheme for regenerating an immunosensor sensor by debinding using electrical impulse and includes the step of applying at least one electrical pulse to a bound antibody-antigen complex whereby the complex debinds responsive to the at least one pulse. As such, performing the method of claim 1 does not require the use of an electrophoretic manipulator, but rather the application of an electrical pulse to the

bound anti-body antigen complex of the immunosensor. The application of electrical pulses is commonly known in the art.

For the reasons indicted above, Applicant believes that the claims currently presented with this amendment comply with the written description requirement under 35 U.S.C. §112, first paragraph and are believe to be in condition for allowance.

**Claim Rejections – 35 U.S.C. § 112**

Applicant acknowledges the quotation of 35 U.S.C § 112, second paragraph.

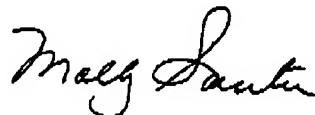
The Office has rejected claim 3 under 35 U.S.C § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, the Office states that claim 3 is vague and indefinite for the recitation of the use of the term "adapted to", and that it is not clear as to how the applicator has been modified to apply the electric pulse.

Claim 3 has been amended to more clearly describe that which the applicant regards as the invention. As such, claim 3 is now believed to be in condition for allowance.

If the Office is not fully persuaded as to the merits of Applicant's position, or if an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (727) 507-8558 is requested.

Very respectfully,

SMITH & HOPEN, P.A.



Dated: March 17, 2006

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**CERTIFICATE OF FACSIMILE TRANSMISSION**  
(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this amendment is being transmitted by facsimile to the United States Patent and Trademark Office, Central Fax, Attn: Christopher L. Chin, (571) 273-8300, on March 17, 2006.

Dated: March 17, 2006

  
Deborah Preza